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OFFICE OF PETITIONS

In re Application of :
BUSH :
Application No. 09/815,794 :
Filed: March 23, 2001 :
Attorney Docket No. (None) :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed July 12, 2005, to revive the above-identified application.

The petition is **DISMISSED**.

Any further petition to revive must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Petition under 37 CFR 1.137." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed;¹ (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

A petition based on 37 CFR 1.137(a) requires a \$250 petition fee for consideration. The petition filed on July 12, 2005 included funds of \$55. When petitioner remits \$195 (the difference between \$250 and \$55), the petition will be considered on its merits.

Additionally, a required reply for purposes of item (1) above should be one of the options listed in MPEP 711.03(c)II.A.2(b). A courtesy copy of this portion of the MPEP has been enclosed with this decision.

¹ The Office received a reply to the final rejection on April 9, 2004. In response, the Examiner stated in an Advisory Action that claims 1 through 4 remained rejected. See Boxes 2, 7 and 10 of the Advisory Action. Thus, the amendment did not cancel the rejected claims or otherwise *prima facie* place the application in condition for allowance.

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